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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,339	07/16/2001	Christian Wipliez	28944/37397	3361

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EXAMINER	
PEZZLO, JOHN	
ART UNIT	**PAPER NUMBER**
2662	

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/857,339	WIPLIEZ ET AL.	
	Examiner	Art Unit	
	John Pezzlo	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *16 July 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11,12,14 and 16* is/are rejected.

7)☒ Claim(s) *13,15 and 17-20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4 Sept 2001*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 13 and 16 are objected to because of the following informalities:

1. Regarding claim 13 – Line 1 states "according to either claim 11" which is confusing (examiner assumes claim 13 depends from claim 11).

2. Regarding claim 16 – Line 1 states "according to claim 2", claim 2 has been canceled (examiner assumes claim 16 depends from claim 11).

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

I. Claims 11, 12, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pirot et al. (US 6,856,676 B1) hereinafter Pirot.

1. Regarding claim 11 – Pirot discloses a media gateway controller (a server) which launches software applications providing QoS for setting up and routing calls between a calling and a called party over an unconnected network (the Internet using IP), Pirot discloses that the calls are setup using a signaling channel (SS& or SIP or H.323) and routed over a connected network (ATM backbone), refer to Figures 1 and 2 and column 3 lines 40 to 67 and column 4 lines 1 to 57.

Pirot does not expressly disclose "transmitting a connection reservation request from said caller terminal to said called terminal" via a server and an unconnected network, Pirot discloses the server (media gateway controller) and an unconnected network (Internet).

At the time of the invention, it would have been obvious to an ordinary person of skill in the art to "transmitting a connection reservation request from said caller terminal to said called terminal". Pirot suggests making both PSTN and data service calls, refer to column 6 lines 5 to 61 and setting up the calls via the server using in-band and out-of-band signaling, Figure 1 callout 32. The motivation for doing so would have been that Pirot provides the resources for connecting users (calling and called parties) over different types of networks using multiple protocols based on a connected network, the ATM backbone network which supports QoS connections for the unconnected network (Internet).

Pirot does not expressly disclose "setting up between said caller terminal and said called terminal a process of reservation of network resources with quality of service by exchanging messages by transmission" via said unconnected network and, on acceptance of said reservation of network resources by said server, Pirot discloses providing data services over dial-up IP environment using QoS policies based on the ATM backbone, refer to Figure 1 callouts 14 and

26 and column 6 lines 62 to 67 and column 7 lines 1 to 20, and Pirot discloses utilizing cookies and applets between end-users and the server to set-up the call, refer to column 7 lines 23 to 40.

At the time of the invention, it would have been obvious to an ordinary person of the skill in the art that "setting up between said caller terminal and said called terminal a process of reservation of network resources with quality of service by exchanging messages by transmission". Pirot suggests setting up data serve calls via the server utilizing messages (cookies and applets). The motivation for doing so would have been that Pirot provides the resources for connecting users (calling and called parties) over different types of networks using multiple protocols based on a connected network, the ATM backbone network which supports QoS connections for the unconnected network (Internet).

Pirot discloses setting up a connected network (ATM backbone) between said caller terminal and said called terminal on the same physical network supporting said unconnected network (Internet) and by means of a control network (signaling network, SS7), said connected network constituting said network resource with quality of service (ATM QoS, refer to column 7 lines 1 to 14) for executing said software application remotely (at the server) between said caller terminal and said called terminal. Pirot does not expressly disclose a call between a caller terminal and a called terminal.

At the time of the invention, it would have been obvious to an ordinary person of skill in the art that calls between a caller terminal and a called terminal are set-up via the server, refer to Figure 1 and the abstract. The motivation for doing so would have been that Pirot provides the resources for connecting users (calling and called parties) over different types of networks using

multiple protocols based on a connected network, the ATM backbone network which supports QoS connections for the unconnected network (Internet).

2. Regarding claim 12 – Pirot discloses said server (media gateway controller, consisting of a web server, said steps consisting of transmitting the connection reservation request and setting up between said caller terminal and said called terminal a process of reserving network resources with quality of service consist of sending HTML messages. Pirot discloses the use of HTML messages and an end-user profile, which includes the QoS parameters for the end user services, refer to column 13 lines 1 to 37 and column 7 lines 1 to 14 and column 7 lines 59 to 67 and column 8 lines 1 to 2 and column 12 lines 45 to 67. Pirot does not expressly disclose a call between a caller terminal and a called terminal. At the time of the invention, it would have been obvious to an ordinary person of skill in the art that calls between a caller terminal and a called terminal are set-up via the server, refer to Figure 1 and the abstract. The motivation for doing so would have been that Pirot provides the resources for connecting users (calling and called parties) over different types of networks using multiple protocols based on a connected network, the ATM backbone network which supports QoS connections for the unconnected network (Internet).

3. Regarding claim 14 – Pirot does not expressly disclose "transmitting from said caller terminal to said called terminal an application execution request including at least one code identifying the caller terminal", Pirot suggests making both PSTN (providing a telephone number (code) and data service calls (providing an IP address), refer to column 6 lines 5 to 61 and setting

up the calls via the server using in-band and out-of-band signaling, Figure 1 callout 32. At the time of the invention, it would have been obvious to an ordinary person of skill in the art that calls between a caller terminal and a called terminal are set-up via the server, refer to Figure 1 and the abstract. The motivation for doing so would have been that Pirot provides the resources for connecting users (calling and called parties) over different types of networks using multiple protocols based on a connected network, the ATM backbone network which supports QoS connections for the unconnected network (Internet).

Pirot discloses setting up in said called terminal a management process for managing the application execution request, refer to the use of profiles (column 7 lines 1 to 14 and column 7 lines 59 to 67 and column 8 lines 1 to 2 and column 12 lines 45 to 67) and downloading of applications, (column 10 lines 25 to 40).

4. Regarding claim 16 – Pirot does not expressly discloses the connection reservation request and the quality of service parameter selection subroutine are JAVA applets.

At the time of the invention, it would have been obvious to an ordinary person of skill in the art that Java applets be used to provide the connection reservation request and the quality of service parameter selection subroutine. Pirot suggests the use of Java applets, refer to column 7 lines 23 to 40 and column 13 lines 1 to 13. The motivation being that Java is interoperable between equipments making communications more reliable across the network between legacy and new system.

Allowable Subject Matter

Claims 13, 15, and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Beyschlag et al. (US 6,831,915 B1) discloses a service node for providing telecommunications services.

2. Saito et al. (US 6,751,221 B1) discloses a data transmitting node and network inter-connection node suitable for home network environment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (571) 272-3090. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(571) 273-8300

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Jefferson Building

2A15

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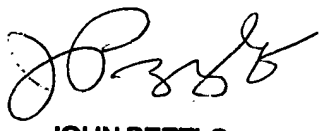
Alexandria, VA, 22313.

John Pezzlo

9 September 2005



JOHN PEZZLO
PRIMARY EXAMINER